

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SCOTT WHITAKER,

Plaintiff,

v.

MARTIN O'MALLEY,
COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

Civil Action No. 24-0246

**CONSENT ORDER TO
REMAND PURSUANT TO
SENTENCE 4 OF
42 U.S.C. § 405(g)**

This matter having been opened to the Court by CARLA B. FREEDMAN, United States Attorney for the Northern District of New York, and Kristina Cohn, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken, the opportunity for a hearing will be offered, and a new decision will be issued; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter,

IT IS on this 19 day of July, 2024 ;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action, and it is further ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in Melkonyan v. Sullivan, 501 U.S. 89 (1991).



Magistrate Daniel J. Stewart

United States District Court

The undersigned hereby consent to the form and entry of the within order.

CARLA B. FREEDMAN
United States Attorney

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